

- IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

B. BASIS FOR REMOVAL

5. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332 (a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F. 3d 894, 899-900, (9th Cir. 2006).

6. Plaintiff AmTRUST NORTH AMERICA, INC. is a citizen of Delaware with its principal place of business in New York (although it was domiciled in New Hampshire before 2017). *See* Plaintiffs' Summons and Complaint annexed hereto as Exhibit "A" at ¶ 5.

7. Plaintiff Wesco Insurance Company is a citizen of Delaware with its principal places of business in New York, New York. *See* Exhibit "A" at ¶ 6.

8. Plaintiff Technology Insurance Company is a citizen of Delaware with its principal places of business in New York, New York, although it was domiciled before 2017 in New Hampshire. *See* Exhibit "A" at ¶ 7.

9. Defendant KF&B, INC. d/b/a KF&B PROGRAM MANAGERS INSURANCE SERVICES is a citizen of California with its principal place of business in Glendale, California. *See* Exhibit "A" at ¶ 8.

10. Additionally, the amount in controversy exceeds \$75,000.00, excluding interest and costs. 28 U.S.C. §1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). Indeed, Plaintiffs specifically allege that they have "suffered and continue to suffer damages in an amount to be proven at trial in excess of \$20.4 million, plus reputational harm." *See* Exhibit "A" at ¶¶ 56 and 64.

11. Copies of all documents filed in the State Court Action are attached to this Notice of Removal as required by 28 U.S.C. §1446(a). *See* Exhibit "A"; *See also* the relevant Affidavits of Service from the State Court Action annexed hereto, collectively, as Exhibit "B".

12. Venue is proper in this district under 28 U.S.C. § 1441(a) because the State Court where the State Court Action has been pending is located in this district.

13. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the State Court Action has been pending.

C. JURY DEMAND

14. Plaintiffs did not demand a jury in the State Court Action. Defendant is not demanding a jury in this action.

D. CONCLUSION

15. Diversity jurisdiction exists in this action pursuant to 28 U.S.C. §1332(a) as the amount in controversy is \$20.4 million and thus, exceeds the sum of \$75,000.000, and is between citizens of Delaware and New York on one side and California on the other. For these reasons, Defendant respectfully requests that this Honorable Court remove the State Court Suit to the United States District Court for the Southern District of New York.

Dated: New York, New York
July 14, 2017

CLAUSEN MILLER P.C.

By: 

Tyler Jay Lory, Esq. (TJL6265)
Attorneys for Defendant
28 Liberty Street, 39th Floor
New York, New York 10005
(212) 805-3900

TO: Michael Bowe, Esq.
Kasowitz, Benson, Torres, LLP
Attorneys for Plaintiffs
1633 Broadway
New York, NY 10019
(212) 506-1700